

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**JULIE MUNCY, et al.,**

**Plaintiffs**

**vs.**

**UNITED STATES LIABILITY  
INSURANCE COMPANY**

**Defendant.**

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**Case No: 1:13-cv-830**

**Judge**

**NOTICE OF REMOVAL**

Now comes Defendant United States Liability Company, by and through undersigned counsel, and pursuant to 28 U.S.C. §1441 hereby files a Notice of Removal of this action from the Scioto County, Ohio Court of Common Pleas to the United States District Court for the Southern District of Ohio, Western Division. In support of the removal, Defendant respectfully states:

1. On October 21, 2013, Julie Muncy and Stephen Muncy (Plaintiffs) filed a Complaint against Defendant United States Liability Insurance Company (Defendant) in the Scioto County, Ohio Court of Common Pleas Court, as Case Number 13CIH00189, alleging claims captioned breach of contract, declaratory judgment, lack of good faith, reasonable expectation of coverage, waiver, promissory estoppel and equitable estoppel. Copies of all process and pleadings in that action are attached hereto as Exhibit A (Complaint with Jury Demand) and Exhibit B (Summons on Complaint) pursuant to 28 U.S.C. §1446(a).
2. The Complaint was served on the Defendant via certified mail on October 24, 2013.
3. The Defendant has not yet filed an Answer to the Complaint.
4. This Notice of Removal is timely filed under 28 U.S.C. §1446(b).

5. This action should be removed to this Court pursuant to 28 U.S.C. §1441 because there is complete diversity among the parties and the amount in controversy exceeds the jurisdictional minimum of \$75,000.

6. Plaintiff Julie Muncy is a citizen and resident of the State of Ohio. Plaintiff Stephen Muncy is a citizen and resident of the State of Ohio. Divide Carry Out was a registered trade name in the State of Ohio until the Ohio Secretary of State cancelled the registration effective December 7, 1982.

7. Defendant United States Liability Company is the only named defendant in this case. Defendant United States Liability Company was at the time of the commencement of this action and is now a Pennsylvania corporation and an insurance company domiciled in the State of Pennsylvania with its principal place of business in Wayne, Pennsylvania.

8. There are no insureds joined as parties-defendant in this action.

9. This civil action is between citizens of different states so as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. §1332.

10. The Complaint alleges that Plaintiffs is entitled to at least \$25,000 in compensatory damages and in excess of \$25,000 in punitive damages, exclusive of claims for interest, costs and attorneys' fees as allowed by law. The Complaint arises out of a claim that one or both of the Plaintiffs submitted to Defendant seeking in excess of \$75,000 under an insurance policy for alleged losses to a building, personal property, income and other losses arising from a fire. The matter in controversy therefore exceeds the sum or judgment value of \$75,000.

11. All conditions precedent to removal are satisfied. This Court therefore has original subject matter over this action pursuant to 28 U.S.C. §1332. This is a civil action where the amount in controversy exceeds \$75,000 and is between citizens of different states and the

Defendant is not a citizen of the State of Ohio.

12. Written notice of the removal will be given to all parties as required by law.

13. Defendant will promptly file a true and accurate copy of this Notice of Removal with the Clerk of Courts for the Scioto County, Ohio Court of Common Pleas as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendant United States Liability Company hereby removes this civil action from the Scioto County, Ohio Court of Common Pleas to this Court pursuant to 28 U.S.C. §1446(d).

Respectfully Submitted,

**CURRY, ROBY & MULVEY CO., LLC**

/s/Bruce A. Curry

Bruce A. Curry (0052401), Trial Attorney

Kristen J. Brown (0047634)

30 Northwoods Blvd., Suite 300

Columbus, Ohio 43235

614.430.8885

614.430.8890 (fax)

[kbrown@crmlaws.com](mailto:kbrown@crmlaws.com)

[bcurry@crmlaws.com](mailto:bcurry@crmlaws.com)

*Attorney for Defendant*

*United States Liability Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Notice of Removal was filed electronically on the 13<sup>th</sup> day of November, 2013 in accordance with the Court's Electronic Filing Guidelines and also served upon the following by facsimile and regular United States Mail, postage pre-paid:

Robert P. Rutter  
Robert A. Rutter  
RUTTER & RUSSIN, LLC  
One Summit Office Park, Suite 650  
4700 Rockside Road  
Cleveland, Ohio 44131  
brutter@ohioinsurance lawyer.com  
bobbyrutter@ohioinsurance lawyer.com  
*Counsel for Plaintiffs*

/s/Bruce A. Curry

Bruce A. Curry (0052401)